

FRANKFORT/FRANKLIN COUNTY BOARD OF ZONING ADJUSTMENTS
August 7, 2007

Chairman Mitch Buchanan called the meeting to order at 5:30 p.m.
Recording Secretary Dawn McDonald called the roll.

MEMBERS PRESENT:	Mitch Buchanan
	Barry Holder, Jr.
	Ryan Sell
	David Jones
	Kathy Peale

MEMBERS ABSENT:	Joyce Honaker
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Chairman Mitch Buchanan called the meeting to order, introduced staff and swore in the staff and audience.

The first item of business was the election of a new Vice Chairman to the Board of Zoning Adjustments. Ms. Peale nominated Barry Holder as Vice Chairman. David Jones seconded the motion and it carried unanimously.

The next item of business was approval of the July 10, 2007 minutes. Mr. Holder asked that the minutes be corrected to say Chairman Mitch Buchanan. Mr. Buchanan made a motion to approve the minutes as amended. The motion carried unanimously.

Ms. Peale made a motion to move agenda item number 3 to the last item and item number 4 move to item 3's place. Mr. Holder seconded the motion and it carried unanimously.

The first item of new business was a request from Great Beginnings Childcare, for a conditional use permit for the operation of a 98-child capacity daycare for the property located at 181 Doctors Drive, zoned "PO" – Professional Office.

Maya DeRosa, City Planning Supervisor was present for the staff report. Ms. DeRosa went over a slide presentation detailing the property and described what the applicant has in mind for the property. She stated that the applicant plans to make improvements in order to meet the requirements set forth by the City of Frankfort and the Zoning Regulations. Recent changes included repaving the parking lot and getting rid of weeds in the playground area. Additionally they plan to re-stripe the parking lot and address any issues there may be as it refers to the safety of children at the facility. There will be 5 classrooms at 700 square feet each, and they meet the interior space requirements. Based on the applicable criteria from the Frankfort Zoning Ordinance and information submitted by the applicant, staff recommends approval of the applicant request for a Conditional Use Permit to operate a day care center at 181 Doctors Drive.

The applicant Jenny Weeks was present and stated that she want to relocate her day care center to a new facility. She brought some pictures showing how the property looks as of today after some of the repairs have been made. She stated they plan to put more pea gravel in the playground area to help keep weeds out, they also plan to build a fence around the dumpster. Mr. Buchanan asked about the edges of the chain link fence. Ms. Weeks replied that if she sees any problems with the fence she will address them prior to opening. She stated that she already has sewer and the state fire marshals approval and she is waiting on zoning approval to acquire the required license. She stated that the building interior has been repainted and carpeted. Ms. Peale asked if she planned any additional signage. Ms. Weeks replied that she plans to use the front block sign as well as enter/exit only signs at the driveways.

After discussion, Mr. Holder made a motion to approve the Conditional Use Permit requested by Great Beginnings Child Care LLC. for operation of a 98-child capacity day care at 181 Doctors Drive with the following conditions: 1) a building permit shall be required for the improvements to the property; 2) screening for the trash receptacle shall be made in accordance with Article 7 of the Zoning Ordinance; 3) new directional signs, in accordance with Article 13 of the Zoning Ordinance, shall be placed on the property to help enforce proper circulation; 4) the existing drive aisles and parking spaces shall be resurfaced and striped; 5) the current business license shall be amended to reflect the change of address prior to issuance of a Certificate of Occupancy; 6) the business shall have a maximum of 12 employees on site at a time, unless appropriate actions are taken to accommodate additional parking and approved by planning staff; and 7) any new exterior signage shall require a sign permit prior to installation. The motion was seconded by Ms. Peale and carried unanimously.

The next item of business was a request from Denham-Blythe Co, Inc., for a variance relating to signage for the proposed development referenced as Capital Day School, located on Glenns Creek Road with access from Sower Blvd. The requested variance to Article 19 – Conditional Use Permits, Section 19.016 to increase the allowed signage of 2 square feet for schools up to 200 square feet, zoned “RB” – Residential B District.

Maya DeRosa, City Planning Supervisor was present for the staff report. Ms. DeRosa stated that the applicant is asking for a variance relating to signage. She stated the reason for the variance is that Article 19.016 states that a conditional use in a residential area is limited to 2 square feet of signage. She mentioned that the applicants have submitted a proposed drawing of the sign and asked for an increase to 200 square feet of signage. Ms. DeRosa stated that based on the size of the school and the distance from the road, staff recommends approval of a variance to allow a 200 square foot sign.

Albert Kinman of 19 Glencove, Frankfort, Kentucky was present on behalf of the applicant. Mr. Kinman stated that they are located in the “RB” zone district and have received a Conditional Use Permit to locate there and they would like to have the same signage they would be afforded if they weren’t in that zone district. He stated

that according to the tables he looked at, they reference covering up to 10% of the façade area and the 2% signage would only be 3 to 3 ½ % of the façade.

Mr. Buchanan made a motion that the applicant Denham Blythe Company for Capital Day School and there request to increase signage from 2 square feet to 200 square feet be approved based on the positive findings in the staff report. The motion was seconded by Ms. Peale and carried unanimously.

The next item of business was a request from Ronald W. Tierney for a variance to Article 10, Section 10.061, to allow an increase in the width of two driveway entrances from 40-feet to 60-feet on the property identified as 106 Fortune Drive in Franklin County Kentucky, zoned "IG" Industrial General District.

Robert Hewitt, County Planning Director was present for the staff report. Mr. Hewitt stated that the applicant received approval of a development plan in May of 2007 and after beginning construction, the applicant came to him with concerns about the driveway widths. Mr. Hewitt stated that both entrances are on Fortune Drive and the applicant is concerned that due to the size of the vehicles that will be coming thru there and the inexperience of some of the drivers that there may be some issues with traffic. Mr. Hewitt stated he was able to find positive findings for criteria's C and D but negative findings for criteria's A & B. Based on the findings he recommended denial but stated if the board does choose to grant the variance he has reviewed the site plan it does not appear that any other circumstances would result if the widths were increased to 60 feet.

The applicant Ron Tierney was present and stated that he is currently building a tobacco warehouse in Franklin County. He stated that during tobacco season his property will see around 100 vehicles per day, coming and going at the same time. He stated that while some of the drivers will be professional drivers, there will be a lot of drivers who are familiar with driving large vehicles in such tight spaces and therefore felt it necessary to widen the width of the driveways, which would also eliminate the creation of potholes near the driveway corners. Ms. Peale asked if this would affect the use of his property should it not get approved. He replied yes and showed a slide presentation of other properties in Franklin County with the same kind of driveway and the potholes around them. Phil Kerrick, Director of the Capital Economic Development Authority at 109 Consumer Lane was present and stated that they are an adjacent property owner and have no problem with the request. He agrees that ruts and potholes are unattractive and urged the boards approval.

After discussion, Ms. Peale made a motion in accordance with Article 4 of the Franklin County Zoning Ordinance Ron Tierney's request for a variance to Article 10 Section 10.061 to allow the increase in the width of two drives from 40 feet to 60 feet on the property located at 106 Fortune Drive be approved with the following positive findings; a) the specific conditions in detail which are unique to the applicants land use and do not exist on other land in the same zone, the first being the length of the trucks going from 47 feet to 53 feet and the second being the non-professional drivers who will use this at least 2 to 3 times a year and they aren't as knowledgeable about the shortness

of the drive; b) its strictly related to the use and economic benefits and also the aesthetic beauty of the whole park and accept the positive finding by the board for criteria's C and D. Mr. Holder seconded the motion and it carried unanimously.

Mr. Holder made a motion to adjourn. All were in favor.

Adjourn